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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,035	04/30/2001	Brian T. Murren	GE1-009US	5206
21718 7590 01/02/2008 LEE & HAYES PLLC SUITE 500 421 W RIVERSIDE SPOKANE, WA 99201				
			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 01/02/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhpto@leehayes.com

## Office Action Summary

**Application No.**

09/847,035

**Applicant(s)**

MURREN ET AL.

**Examiner**

Pierre E. Elisca

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 12-19, 38, 39, 42-46, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10, 40 and 41 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to Applicant's amendment filed on 10/05/2007.
2. Claims 1-6, 8-10, 12-19, 38-46, and 49-50 are pending.
3. The rejection to claims 1-6, 8, 12-19, 38-39, 42-46 and 49 under 35 U.S.C. 103 (a) as being unpatentable over Bowman 253" and Garg 846" as set forth in the Office action mailed on 04/09/2007 is maintained.

### ***Allowable Subject Matter***

4. **Claims 9, 10, 40 and 41 are allowed over the prior art of record.**

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8, 12-19, 38, 39, 42-46 and 49-50 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bowman-Anuah (U.S. Pat. No. 6,615,253) in view of the newly found prior art Novik et al (U.S. Pat. No. 6,275,957).

Bowman substantially discloses publishing information to the various users using push technology prior to the user requesting the content. In particular Bowman pushes a large set of content (including the content in which the user wants to receive) and then limiting or selecting a subset of that content based upon the particular user's desires. In this particular rejection, the Examiner interprets the various "components" as corresponding memory locations within a computer without software. In other words, each memory address or group of addresses is a "component". However Bowman does not explicitly disclose the limitations of "a subscriber request component (or event-filtering component) for modifying and identifying subscribers". Novik discloses an event-filtering component for modifying and identifying subscribers. The event-filtering component can expose standardized interface to the event providers that report events and to the subscriber software to which events are reported (see., Novik, col 1, lines 48-67, col 4, lines 5-60, figs 1-3).

However it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Bowman to include the limitation detailed above as taught by Novik because such a modification would have segregated the parts of the system which would help make debugging easier.

7. Claims 1-6, 8, 12-19, 38, 39, 42-46 and 49-50 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Garg et al (U.S. Pat. No. 6,567,846) in view of the newly found prior art Novik et al (U.S. Pat. No. 6,275,957).

Garg substantially discloses the claimed invention including publishing information to the various users using push technology prior to the user requesting the content. In particular Bowman pushes a large set of content (including the content in which the user wants to receive) and then limiting or selecting a subset of that content based upon the particular user's desires. In this particular rejection, the Examiner interprets the various "components" as corresponding memory locations within a computer without software.

In other words, each memory address or group of addresses is a "component".

However Garg does not explicitly disclose the limitations of "a subscriber request component (or event-filtering component) for modifying and identifying subscribers".

Novik discloses an event-filtering component for modifying and identifying subscribers.

The event-filtering component can expose standardized interface to the event providers that report events and to the subscriber software to which events are reported (see., Novik, col 1, lines 48-67, col 4, lines 5-60, figs 1-3).

However it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Garg to include the limitation detailed above as taught by Novik because such a modification would have segregated the parts of the system which would help make debugging easier.

However it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Garg to include labeling each sections "components". Such a modification would have segregated the parts of the system which would help make debugging easier.

## RESPONSE TO ARGUMENTS


8. Applicant's arguments with respect to claims 1-6, 8, 12-19, 38, 39, 42-46 and 49-50 have been fully considered but they are moot in view of new ground (s) of rejection.

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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12/13/07